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P.01/05

Substitute PTO/SB/21
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	10/690,159
		Filing Date	October 16, 2003
		First Named Inventor	Mark A. Michalick
		Art Unit	2818
		Examiner Name	Thao P. Le
Total Number of Pages in this Submission	5	Attorney Docket Number	AFD 625

ENCLOSURES <i>(check all that apply)</i>		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts / Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to a Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i>
Remarks		
SIGNATURE OF APPLICANT, ATTORNEY OR AGENT		
Firm or Individual Name	GERALD B. HOLLINS	
Signature	<i>Gerald B Hollins</i>	
Date	20 April 2006	

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Signature	<i>Gerald B Hollins</i>	
Typed or printed name	GERALD B. HOLLINS	Date March 20, 2006

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P.02/05

Appl. No. 10/690,159

Amdt. dated Mar. 20, 2005

Reply to Office action of Feb. 23, 2005

MAR 20 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/690,159 Confirmation No. : 6033
Applicant(s) : Mark A. Michalicek
Filed : October 16, 2003
TC/AU : 2818
Examiner : Kenya A. McLaughlin, Petitions Attorney and Thao P. Le, Examiner
Docket No. : AFD 625
Customer No. : 26902

Commissioner for Patents
Office of Petitions
P.O. Box 1450
Alexandria VA 22313-1450

RENEWED PETITION UNDER 37 C.F.R. 1.137(a)

Sir:

In response to the second Office Action of Petition Dismissal dated 25 January 2006, and the recent E-mail correspondence involving the undersigned's associate attorney David Franklin and a telephone reply thereto by petitions Attorney Kenya McLaughlin, please consider the below recited renewed request for reconsideration, the attached document copy, and the appended remarks.

A RENEWED REQUEST FOR RECONSIDERATION appears on page 2 of this paper.

REMARKS/ARGUMENTS begin on page 3 of this paper.

App. No. 10000,100

Amdt. dated Mar. 20, 2005

Reply to Office action of Feb. 23, 2005

RENEWED REQUEST FOR RECONSIDERATION

Applicant hereby requests reconsideration of the dismissal of the 37 C.F.R. 1.137(a) Petition filed on 20 October 2005, the Petition dismissed in the Examiner's Action of 02 November 2005 and again in the Examiner Action of 25 January 2006 for absence of a showing of applicant's Certificate of Mailing relating to a missing response of invention election dated 28 April 2005.

A copy of the previous document, a Renewed Petition under 37 C.F.R. 1.137(a), with both the certificate of mailing for this document and including a copy of the missing certificate of mailing dated 28 April 2005 is attached hereto. In this copy the certificate of mailing dated 28 April 2005 has been newly identified with the label "Exhibit 1" in order to additionally preclude reoccurrence of a missing document event encountered on three previous occasions. Additional discussion concerning the certificate of mailing dated 28 April 2005 is included in the remarks herein.

REMARKS/ARGUMENTS

The application stands as abandoned as is announced in the Examiner's Action dated 14 October 2005. Abandonment is based on failure of applicant's 28 April 2005 response to the Requirement of Restriction to reach the U.S. Patent and Trademark Office Examiner.

In response, applicant previously filed the 20 October 2005 Petition under 37 C.F.R. 1.137(a) soliciting a revival of the application. This petition is some 16 pages in length including the required previous reply copies. The 6th page of these 16 pages is a copy of a Transmittal Form, including a lowermost located Certificate of Mailing dated 28 April 2005, as was earlier submitted in response to the Requirement of Restriction. In view of the contents of the current Examiner's Action of Petition dismissing, it appears that this 6th page of the Petition document again did not reach the Office of Petitions in the U.S. Patent and Trademark Office.

Applicant now believes the needed copy of the Certificate of Mailing dated 28 April 2005 has not previously reached Attorney Kenya McLaughlin because applicant's mailed paper copy of this document was excluded from the file when applicant's paper response was scanned into the PTO PAIR system. Applicant presents use of FAX transmission and the newly applied identification of the concerned document as "Exhibit 1" in the copied file will hopefully overcome this difficulty. Applicant also notes that associate attorney David Franklin has communicated a copy of the missing Certificate of Mailing dated 28 April 2005 to Attorney Kenya McLaughlin.

Favorable reconsideration of the Petition for Revival and passage of the application to an examination on the merits are respectfully solicited.

Respectfully submitted,



Gerald B. Hollins, Reg. No. 25,452
Attorney for Applicant(s)
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(937) 255-3733 (fax)

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	10/690,159
		Filing Date	October 16, 2003
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Remarks: There is no fee associated with this filing.		
SIGNATURE OF APPLICANT, ATTORNEY OR AGENT		
Firm or Individual Name	GERALD B. HOLLINS	
Signature	<i>Gerald B Hollins</i>	
Date	28 April 2005	

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Signature	<i>Gerald B Hollins</i>	
Typed or printed name	GERALD B. HOLLINS	Date April 28, 2005

Exhibit 1